

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re WELLBUTRIN XL
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
INDIRECT PURCHASER ACTIONS

Civil Action No.: 2:08-cv-2433

Honorable Mary A. McLaughlin

**DECLARATION OF PETER ST. PHILLIP, JR. IN SUPPORT
OF INDIRECT PURCHASER CLASS' MOTION TO COMPEL DEPOSITION
TESTIMONY OF DEFENDANTS SMITHKLINE BEECHAM CORPORATION D/B/A
GLAXOSMITHKLINE AND GLAXOSMITHKLINE PLC**

I, Peter D. St. Phillip, Jr., hereby declare under 28 U.S.C § 1746, that:

1. I am an attorney in good standing, duly licensed and admitted to the Bar of the Commonwealth of Pennsylvania, and the States of New York and New Jersey. I am a shareholder in the law firm of Lowey Dannenberg Cohen & Hart, P.C. I have personal knowledge of the facts stated in this declaration and, if called as a witness, I could and would testify competently to them. I make this Declaration in support of the Indirect Purchaser Class' Motion To Compel Deposition Testimony of Defendants Smithkline Beecham Corporation d/b/a Glaxosmithkline And Glaxosmithkline plc (the "Motion to Compel").

2. My firm is counsel of record in this case, and represents Aetna Health of California, Inc. This Court appointed my firm as Co-Lead Class Counsel in its Class Certification Order entered August 15, 2011 (Dkt. No. 354).

3. Attached as Exhibit 1 hereto is a true and correct copy of Class Plaintiffs' Notice of Deposition of Defendants Smithkline Beecham Corporation d/b/a Glaxosmithkline and Glaxosmithkline plc Pursuant to Fed. R. Civ. P. 30(b)(6) dated October 22 (the "GSK 30(b)(6) Notice").

4. After the Class filed its Motion to Strike on October 2, 2014, but before this Court held any proceedings with respect to it, GSK and Class Counsel conferred concerning a discovery and motion schedule.

5. Attached as Exhibit 2 hereto is a true and correct copy of an email from Peter St. Phillip to Jason Leckerman Re: "Wellbutrin XL," dated October 7, 2014.

6. Attached as Exhibit 3 hereto is a true and correct copy of GSK's Objections to Indirect Purchaser Plaintiffs' Notice of Deposition Pursuant to Fed. R. Civ. P. 30(B)(6) to GSK dated November 7, 2014.

7. The parties held a teleconference on November 7, 2014 in an attempt to reach agreement on, *inter alia*, the topics contained in the GSK 30(b)(6) Notice. No agreement was reached at that time.

8. Attached as Exhibit 4 hereto is a true and correct copy of a letter to Honorable Mary A. McLaughlin from Leslie E. John dated November 10, 2014.

9. The parties held a second conference call on November 20, 2014. GSK's counsel advised me at that time that it would determine if GSK would agree to produce a witness for deposition.

10. On November 21, 2014, GSK's counsel advised me that it would not produce a witness, but would "work with plaintiffs to answer any questions about the data that [it] will produce." Attached as Exhibit 5 hereto is a true and correct copy of an email chain between me and Jason Leckerman Re: "Wellbutrin XL-Call at 2," dated November 21, 2014.

11. Attached as Exhibit 6 hereto is a true and correct copy of the Indirect Purchaser Class Plaintiffs' Requests to Admit Facts to GSK, dated November 28, 2014.

12. Attached as Exhibit 7 hereto is a true and correct copy of a letter to counsel from

Leslie E. John dated October 23, 2014.

13. Attached as Exhibit 8 hereto is a true and correct copy of a letter to Leslie E. John from me dated October 28, 2014.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on December 1, 2014
White Plains, New York

/s/ Peter D. St. Phillip, Jr
PETER D. ST. PHILLIP, JR.

CERTIFICATE OF SERVICE

I, Noelle Ruggiero, hereby certify that on December 1, 2014, the foregoing document was served upon Counsel of record via the Court's electronic filing system.

/s/ Noelle Ruggiero
Noelle Ruggiero